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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,915	02/12/2002	Koji Sugita	Q68115	3774

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER

BEACHAM, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,915

Applicant(s)

SUGITA ET AL.

Examiner

Christopher R. Beacham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibuya (US 4,680,654).

- Regarding claim 1, Shibuya shows an open and close mechanism for a recording medium insertion path, for inserting a recording medium into a mechanical body of a record playback device and ejecting the same therefrom (Fig. 4), comprising:

- a recording medium insertion path $\rightarrow X_1, \leftarrow X_2$ (Fig. 4) allowable to pass the recording medium therethrough;

- an open and close device 30 for opening and closing the recording medium insertion path; and

- a locking device 50 for locking open and close operation of the open and close device 30 when the open and close device closes the recording medium insertion path (col. 5, lines 45-51).

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- Regarding claim 2, Shibuya discloses a driving device 32 for operating said open and close device 30 to open the recording medium insertion path, and the driving device 32 installed in the mechanical body, wherein said locking device 50 releases a locking condition of the open and close device when the driving device operates the open and close device to open the recording medium insertion path (col. 6, lines 53-67 and col. 8, lines 21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibuya (US 4,680,654) as applied to claims 1 and 2 above, and further in view of Sugita et al. (US 6,618,339 B2).

- Regarding claim 3, Shibuya shows all features including an open and close door 30 provided rotatably about a center of a pivot shaft 30a extending along a direction of width of the recording medium insertion path and rotating about the center of said pivot shaft for opening and closing the recording medium insertion path (Fig. 1).

Shibuya does not show a door gear rotating together with the open and close door operation of opening and closing the recording medium insertion path; and

an energizing device for energizing the door gear for closing the open and close door of the recording medium insertion path, wherein the door gear is rotated by the driving device for opening the open and close door of the recording medium insertion path, wherein the locking device locks the open and close door rotating about the center of the pivot shaft when closing the recording medium insertion path and allows the open and close door rotating about the center of the pivot shaft when the driving device rotating the door gear.

However, Sugita '339 discloses a door gear 15 in synchronization with cam member 16 along shaft 20 in order to move the disk tray and open/close the apparatus door (col. 8, lines 1-10). Additionally, Sugita teaches an energizing device for energizing the door gear (col. 8, lines 12-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the open/close mechanism of Shibuya with a door gear and an energizing device to operate the door gear as taught by Ishihara.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to the open/close mechanism of Shibuya with a door gear and an energizing device to operate the door gear as taught by Sugita in order to reduce the operation time for each disc playing so that dust and contaminants cannot enter a CD player (Sugita; col. 1, lines 20-23).

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Page (US 1,288,665) is cited to show a sliding door or flap for a bookcase.
- b. Dean et al. (US 3,794,401) is cited to show a door guide for a file cabinet.
- c. Lee (US 5,383,072) is cited to show a door lock apparatus for use in a tape recorder.
- d. Tokoro (US 5,481,520) is cited to show a disk player door assembly.
- e. Kawagachi et al. (US 5,408,459) is cited to show an opening/closing door mechanism for a recording/reproducing apparatus.
- f. Pollard (US 5,686,490) is cited to show MO cartridge jukebox doors, which open in a plane parallel to the front panel of the jukebox.
- g. Okabe et al. (US 5,732,057) is cited to show a drive unit for optical memory device having a first and second front covers.
- h. Sasaki et al. (US 5,940,245) is cited to show a door opening and closing mechanism of recording/reproducing apparatus.

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- i. Sujino (US 6,421,310 B1) is cited to show a door open-close device having a translating pivot.
- j. Inoue (JP 61-236089) is cited to show a door opening/closing mechanism.
- k. Arayama (JP 63-200386) is cited to show a door device that prevents a recording medium to be prematurely ejected.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Beacham whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Christopher R. Beacham
Patent Examiner
Art Unit 2653
October 1, 2003



WILLIAM KORZUCH
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